

REMARKS

In response to the Office Action dated June 3, 2005, Applicants respectfully request reconsideration based on the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claims 1, 5, and 8-11 were rejected under 35 U.S.C. § 103 as being unpatentable over Park in view of Schiffbauer. This rejection is traversed for the following reasons.

Applicants submit that Schiffbauer is non-analogous art and not properly relied upon in an obviousness rejection. As noted in MPEP § 2141.01(a), the examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.

Schiffbauer does not meet either criterion for analogous art. Schiffbauer is directed to hazardous work zones in which an operator 12 carries a receiver 26 that emits an audible signal when the receiver 26 is within a magnetic field generated by wire loops adjacent dangerous equipment. Embodiments of the invention receive a wireless terminal identification and then page the identified wireless terminal to cause the wireless terminal to emit an audible ring. As described in Applicants' specification, an exemplary application of embodiments of the invention is to detect a cell phone in an area where cell phones are restricted.

Schiffbauer is not in the field of Applicants' endeavor. Schiffbauer is directed to work zone safety and essentially discloses a magnetic proximity detector with an audible tone. Schiffbauer is not related to identifying wireless terminals or paging wireless terminals. Further, Schiffbauer is not reasonably pertinent to the particular problem with which the inventor was concerned. The problem addressed by embodiments of the invention is the detection of wireless terminal identification and the paging of wireless terminals based on the detected identification. Schiffbauer teaches a much less sophisticated system in which a simple receiver emits an audible tone when positioned in a magnetic field. There is no communication between the receiver and the transmitter in Schiffbauer. The system of Schiffbauer cannot communicate information, such as

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wireless terminal identification, or page a specific wireless terminal. The technology in Schiffbauer, namely magnetic fields, simply cannot address the problem faced by Applicants. Schiffbauer is not reasonably pertinent to the particular problem with which the inventors were concerned. Thus, Schiffbauer is not properly relied upon in an obviousness rejection.

For the above reasons, claim 1 is patentable over Park in view of Schiffbauer. Claims 8-10, as amended, recite similar features as claim 1 and are considered allowable for at least the same reasons. Claims 5 and 11 depend from claims 1 and 10, respectively, and are believed to be allowable for at least the same reasons.

Claims 2-4, 6, and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Schiffbauer and Edstam. Claims 2-4, 6, and 7 depend from claim 1. Edstam was relied upon for disclosing aspects of a wireless terminal locator, but does not cure the deficiencies of Park and Schiffbauer discussed above with reference to claim 1. Thus, claims 2-4, 6, and 7 are believed to be allowable over Park in view of Schiffbauer and Edstam for at least the reasons advanced with reference to claim 1.

Claims 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Schiffbauer and da Silva.

Claims 12-14 depend from claim 10. da Silva was relied upon for disclosing paging wireless terminals, but does not cure the deficiencies of Park and Schiffbauer discussed above with reference to claim 1. Thus, claims 12-14 are believed to be allowable over Park in view of Schiffbauer and da Silva for at least the reasons advanced with reference to claim 10.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

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